

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

REPORT AND RECOMMENDATION

Before the Court is Plaintiff's motion to amend [Doc. 10], in which Plaintiff seeks leave to amend his complaint in order to "include the facts and averments set forth in his Affidavit filed on August 22, 2014, and the attachments thereto, and any other matter in support of his Complaint, and to permit discovery to obtain additional facts, for the reasons set forth in his Brief [filed in opposition to Defendants' motion to dismiss] filed August 22, 2014" [Doc. 10 at Page ID # 172]. Defendants have filed a response in opposition to Plaintiff's motion to amend [Doc. 11].

As Defendants noted in their response, Plaintiff failed to include a copy of the proposed amended complaint to the motion to amend. Under Local Rule 15.1, “[a] party who moves to amend a pleading shall attach a copy of the proposed amended pleading to the motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall, except by leave of Court, reproduce the entire pleading as amended and may not incorporate any prior pleading by reference. A failure to comply with this rule may be grounds for denial of the motion.” E.D. Tenn. L.R. 15.1. Here, Plaintiff failed to attach a proposed amended complaint, and Plaintiff did not submit a memorandum or any argument in support of his motion for leave to amend.

Because it fails to comply with the local rules and fails to provide any argument in support of the motion, I **RECOMMEND**¹ that Plaintiff's motion to amend [Doc. 10] be **DENIED**, with leave to refile a new motion in compliance with the local rules.

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE

¹ Any objections to this report and recommendation must be served and filed within 14 days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the district court's order. *Thomas v. Arn*, 474 U.S. 140, 149 n.7 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive, or general. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Fed'n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987).